

REMARKS

The present amendment is submitted in response to the Office Action dated April 5, 2006, which set a three-month period for response, making this amendment due by July 5, 2006.

Claims 1-5 and 9 are pending in this application, with claims 6-8 having been withdrawn from consideration.

In the Office Action, claims 1-5 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,921,526 to Najmolhoda, or in the alternative, under 35 U.S.C. 103(a) as obvious over Najmolhoda. Claims 1-5 were rejected under 35 U.S.C. 103(a) as being unpatentable over Najmolhoda in view of U.S. Patent No. 5,775,355 to Maier et al.

The Applicant notes with appreciation the allowance of claim 9, if rewritten in independent form to include the limitations of the base claim and any intervening claims.

In the present amendment, allowable claim 9 has been rewritten in independent form.

To more clearly define the present invention over the cited references, claim 1 was amended to recite that "*one of said fluid channels is connected with the consumer port (16)*". Support for this feature can be found in the specification on page 11, lines 4-10.

The Examiner argues that Najmolhoda disclose a pressure control valve with a supply port 72 and a consumer port 74. The outlet channel 74,

designated by the Examiner as a "consumer port", however, is not a consumer port as in the present invention. As disclosed by Najmolhoda in column 8, lines 4-7, the outlet channel 74 serves for draining fluid from the pressure control chamber 75, in order to change the pressure provided there in a linear manner. The fluid flowing from the outlet channel 74 cannot supply any consumer. The consumer port in Najmolhoda is the port 80, as disclosed in column 7, lines 1-10. The pressure at the consumer port 80 is controlled by means of the piston 67 via the inflow from the supply port 72 into the channel 63 and the drainage from the outlet channel 81.

In contrast to claim 1 of the present application, therefore, the valve closing member 38 of the pressure control chamber 18e in Najmolhoda does not serve for regulating the fluid flow between the supply port and the consumer port, but only to release the pressure control chamber 75.

Therefore, in order to more clearly define this distinction, claim 1 has been amended as indicated above to define that the consumer port is connected with one of the fluid channels 24. The fluid channel 24 is formed on the preform. The consumer port 80 in Najmolhoda, in contrast, is not connected with a fluid channel, which is formed on the plastic part 18 viewed by the Examiner as the preform. With Najmolhoda, the fluid stream from the supply port 72 to the consumer port 80 does not flow over to the valve closing member 38 of the pressure control chamber or through the fluid channel form in the preform 18.

In addition, the Examiner admits that Najmolhoda does not disclose that the bobbin 18, viewed by the Examiner as the preform, is injected in the flange

19 in an injection molding process. However, the Examiner still maintains that the pressure control valve of Najmolhoda is comparable to the features of claim 1 of the present application.

It appears that the Examiner has overlooked that in Najmolhoda, a sealing ring 82 is required, which is arranged in a groove of the spool 18 (interpreted as the preform). This type of sealing ring is not necessary with the subject matter of the present invention, since the preform is connected in a hermetically sealed manner with the flange by the extrusion coating process.

In contrast, the bobbin 18 of Najmolhoda cannot be connected in an extrusion coating process with the flange 19. The valve housing of Najmolhoda, interpreted by the Examiner to be a "flange" 19, surrounds the bobbin 8 as well as the valve piston 67. With an extrusion molding process of the flange 19, the channels 67a, 67g, 19a of the valve piston 67 would be filled with the extrusion molding mass. The piston 67, then, no longer could be moved. In addition, the extrusion molding mass would penetrate the openings 18f and 74a, which are not sealed during the process with slide valves in Najmolhoda. Therefore, it would be impossible for the bobbin 18 in Najmolhoda to be injected into the flange 19 in an injection molding method. For a prior art reference to anticipate a claim, the reference must disclose each and every element of the claim with sufficient clarity to prove its existence in the prior art. *Motorola, Inc. v. Interdigital Tech. Corp.*, 43 USPQ 2d 1481, 1490 (Fed. Cir. 1997). Therefore, claim 1 is not anticipated by Najmolhoda.

Furthermore, the combination of the Najmolhoda reference with Meier does not lead to the subject matter of the present invention as defined in claim 1. Meier does not disclose a plastic flange, which represents an outer hydraulic area of the valve unit; rather Meier discloses a connector part 58 that is connected with the valve in an injection molding method. This connector part, however, cannot be viewed as a flange, which represents the outer hydraulic region of the valve unit. In contrast to the present invention as defined in claim 1, the connector part 58 does not have the consumer port and the supply port. Based on this fact alone, the practitioner would not be motivated to combine the Najmolhoda and the Meier patents.

Indeed, if the practitioner, with knowledge of the Meier reference, should contemplate using an injection-molding process for injecting the bobbin 18 into the flange 19, then this solution would be unworkable, because Najmolhoda discloses a valve piston 67 as the valve closing member, which must be moveably disposed in the flange 19. The bobbin 18, therefore, must be extrusion-coated commonly with the valve piston 67 in the extrusion-coating process with the flange 19. However, in this process, the mass would penetrate into the channels of the valve piston and solidly surround it, so that the valve piston would be immovable. A combination of the Meier and Najmolhoda references, therefore, would not lead the practitioner to the present invention.

With the present invention, a valve piston is not provided. The inner hydraulic region of the valve unit is formed in the preform and the fluid flow from the supply port to the consumer port is controlled only by means of the valve


closing member arranged in the valve chamber of the preform. The preform can be sealed during the extrusion coating with the flange with sliding valves, so that no extrusion mass penetrates into the fluid channels of the preform.

It is respectfully submitted that since the prior art does not suggest the desirability of the claimed invention, such art cannot establish a prima facie case of obviousness as clearly set forth in MPEP section 2143.01. Please note also that the modification proposed by the Examiner would change the principle of operation of the prior art, so that also for this reason the references are not sufficient to render the claims prima facie obvious (see the last paragraph of the aforementioned MPEP section 2143.01).

For the reasons set forth above, the Applicant respectfully submits that claims 1-5 and 9 are patentable over the cited art. The Applicant further requests withdrawal of the rejections under 35 U.S.C. 102 and 103 and reconsideration of the claims as herein amended.

Should the Examiner have any further comments or suggestions, the undersigned would very much welcome a telephone call in order to discuss appropriate claim language that will place the application into condition for allowance.

Respectfully submitted,



Michael J. Striker
Attorney for Applicant
Reg. No.: 27233
103 East Neck Road

Huntington, New York 11743
631-549-4700